

In response, the rejection and each ground therefor are traversed.

### **3. Paragraph 3 of the Office Action**

In paragraph 3 of the Office Action, the Examiner has explained the foregoing rejection of claims 1 and 16-20. The Examiner contends that the term "preferred return instrument" would not enable one skilled in the art to understand, make, or use the claimed invention and that the dictionary definitions are unhelpful.

Applicant contends that the Examiner has not met the burden of showing that terms were, as of the above-referenced filing date, not understandable to those having ordinary skill in the art. The enclosed Treasury Regs show common use of the terminology. To the extent that there would be any unclarity from the Treasury Regs, the use of a dictionary is well within the skill of one having ordinary skill in the art.

The Examiner further contends that the term "entering amounts" is indefinite in that it is not clear "amounts of what" the buyers and sellers are buying and selling.

The contention is respectfully traversed, but as the rejection is understood, it is premised on the foregoing contention regarding "preferred return instrument." Accordingly, the rejection has been addressed above. If there be any question as to the use of "instrument" in connection with "preferred return", it is respectfully submitted that the notion of a financial instrument has not been shown to be lacking enablement, and indeed is a well-known concept in the financial industry.

The Examiner also contends that the terms "supply schedule" and "demand schedule" require clarification.

Applicant submits that the terms were well understood in the art, for example, forming the backbone of economics. Usage is evidenced by U.S. Patent No. 6,032,123 which was filed prior to the instant application and which uses the terms in association with computer code for producing the schedules. The Examiner has not met the burden of proof that terminology that forms the basis of the rejection was not enabling, and indeed, the terminology was well known long ago according to the federal government.

### **4-6. Paragraphs 4-6 of the Office Action**

In paragraphs 4-6 of the Office Action, the Examiner has rejected claims 2-15 and 17-8 solely because they depend from a rejected base claim or are premised



on the above-discussed rejection.

In response, the foregoing addresses the above-discussed language-based rejection of the base claims, and is incorporated by reference here.

**7. Paragraph 7 of the Office Action**

In paragraph 7 of the Office Action, the Examiner has made certain prior art of record as not relied upon but considered pertinent.

In response, Applicant expresses appreciation for the Examiner's consideration of the potential prior art.

**8. Paragraph 8 of the Office Action**

In paragraph 8 of the Office Action, the Examiner has graciously provided numerous ways to contact the Examiner and/or PTO for inquiry in the present matter.

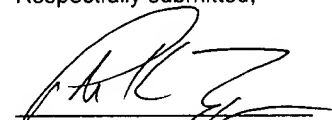
In response, the undersigned appreciates the Examiner's courtesy and if the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

**III. CONCLUSION**

The application, as amended, is believed to be in condition for allowance, and favorable action is requested. If any extension of time for responding is required, it is requested that this be deemed a petition therefore, and the Commissioner is authorized to charge any required fee, or credit any overcharge to, PTO Account 50-0235.

Respectfully submitted,

Date: 15 Sept 2000

  
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